

FLORIDA PANTHER NATIONAL WILDLIFE REFUGE

OCTOBER 9, 1986 (legislative day, OCTOBER 6), 1986.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 893]

The Committee on Environment and Public Works, to which was referred the bill (S. 893), to create the Florida Panther National Wildlife Refuge in the State of Florida, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT

S. 893 will establish boundaries for on-going endangered species acquisition of 32,000 acres to protect the Florida panther and designates the area as the Florida Panther National Wildlife Refuge.

The proposed refuge is an integral part of the Fakahatchee Strand, located in Collier County in the western portion of the Big Cypress Swamp of southwest Florida. The lands included within the Florida Panther National Wildlife Refuge are located north of State Route 84 and Fakahatchee Strand State Preserve (FSSP), and to the east and west of State Route 29, bordering the Big Cypress National Preserve (BCNP) to the east.

The Fakahatchee Strand is unique and environmentally sensitive. It provides natural flood control, water storage and purification, aquifer recharge, and high quality fish and wildlife habitat. These functions are essential for maintenance of the flora and fauna for which south Florida is well-known. The Strand is particularly recognized for providing habitat that is utilized by the endangered Florida panther.

The Florida panther is one of the most endangered mammals in the Nation, with perhaps only 20 to 30 individuals inhabiting the Big Cypress-Everglades region. Fakahatchee Strand is one of only

three population centers presently known for this species. The other two population centers are on public lands in the BCNP and the Everglades National Park. The habitats occupied by the latter two populations are relatively secure while large portions of the habitat used by the Fakahatchee Strand population are threatened with development and land uses unsuitable to the panther.

The proposed boundaries authorized for fee title acquisition in this bill are slightly larger than those contained in the final Environmental Assessment for the Fakahatchee Strand acquisition, which was published by the Fish and Wildlife Service in April 1985. The land north of State Route 84 and east of State Route 29, approximately 2,000 acres, was originally recommended for National Park Service fee title acquisition for addition to the Big Cypress National Preserve. Under S. 893, this area now is included in the refuge fee title acquisition.

The Fish and Wildlife Service (FWS) received appropriations of \$4 million and \$2.8 million for panther land acquisition in fiscal years 1985 and 1986, respectively.

This legislation is not intended to preclude any further acquisition of lands or interests therein outside of the boundaries specified if necessary for the further protection of the Florida panther. The area north of the BCNP and Fakahatchee Strand study area also has had a substantial number of sightings and signs of panthers reported. Many of these areas are farmed and grazed. Protection strategies for these areas should include cooperative efforts with local landowners to assist in developing farm management plans that will provide protection for the panther and its habitat consistent with the farming and grazing objectives of the landowner. The FWS and the State of Florida should seek to develop cooperative agreements with landowners to accomplish these objectives.

SECTION-BY-SECTION ANALYSIS

Section 1—Purposes

Section 1 states the purposes of the legislation. The purposes of the legislation are to protect the habitat and enhance the preservation and recovery of the endangered Florida panther, by establishing The Florida Panther National Wildlife Refuge. The refuge shall contain certain lands north of State Route 84 and Fakahatchee Strand State Preserve, and to the east and west of State Route 29, in Florida, comprising approximately 32,000 acres.

Section 2—Establishment of the Refuge and Administration

This section authorizes the Secretary of the Interior (Secretary) to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Section 2 requires the Secretary to establish, by publishing notice in the Federal Register, the Florida Panther National Wildlife Refuge at such time as sufficient lands and waters have been acquired to constitute an area that can be administered efficiently.

This section also requires the Secretary to manage the refuge lands and waters in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), and may utilize such additional statutory authority

as may be available to him for the conservation and development of the wildlife resources in general, and the Florida panther population in particular, within the refuge.

Section 3—Authorization of Appropriation

Section 3 authorizes appropriation of such sums as may be necessary to carry out the Act. Approximately \$16 million will be required initially to purchase the property needed to protect adequately those lands and waters within the refuge boundary.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Improvement Control Act requires that a statement of cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement on S. 893 follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 893, a bill to create the Florida Panther National Wildlife Refuge in the State of Florida.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 893.
2. Bill title: A bill to create the Florida Panther National Wildlife Refuge in the State of Florida.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, December 4, 1985.
4. Bill purpose: S. 893 would authorize the establishment of the Florida Panther National Wildlife Refuge. The bill would authorize the Secretary of the Interior to acquire lands, waters and interests within the refuge, and would authorize the appropriation of sums necessary to carry out the provisions of the act.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Estimated authorization level	12.1				
Estimated outlays	6.1	6.0			

The costs of this bill fall within budget function 300.

Basis of Estimate: Based on information from the U.S. Fish and Wildlife Service, we estimate that the total cost to acquire the property specified in S. 893 would be approximately \$16 million. During fiscal year 1985, \$3.9 million was appropriated for this purpose. The authorization level shown above represents the difference between the original estimate of \$16 million and appropriations to date of \$3.9 million.

For purposes of the estimate, it is assumed that the entire amount of the estimated authorization will be appropriated during fiscal year 1986. Outlays have been estimated on the basis of information obtained from the Department of the Interior.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

HEARINGS

A hearing was held on S. 893 by the Subcommittee on Environmental Pollution on September 20, 1985, in Washington, D.C. Testimony was received from Senator Paula Hawkins, Mr. Lamar Gable, Fish and Wildlife Service, the National Audubon Society, and the National Wildlife Federation.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the Rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

S. 893 was ordered reported on December 4, 1985, by a rollcall vote of 15 to 0.

REGULATORY IMPACT EVALUATIONS

Section 11(b) of rule XXVI of the Standing Rules of the Senate require the Committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any new significant burden.

DEPARTMENTAL REPORTS

The Committee on Environment and Public Works received the following Department Report:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, December 3, 1985.

Hon. ROBERT T. STAFFORD,
*Chairman, Committee on Environment and Public Works, U.S.
Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This is to provide you with a clarification of our views on S. 893, "To create the Florida Panther National Wildlife Refuge in the State of Florida."

We have no objection to enactment of S. 893.

The U.S. Fish and Wildlife Service appointed a Recovery Team for the Florida panther in 1976, and a Recovery Plan was adopted in 1981. This plan recommended the acquisition of the remainder of the Fakahatchee Strand, a recommendation also included in the Service's Regional Resource Plan. The Department originally proposed creation of the refuge, under its Endangered Species Act authority, in its fiscal year 1985 budget recommendations. The Congress provided \$3.9 million for land acquisition in our FY 1985 appropriation.

The Service has been looking to the Fakahatchee Strand area for recovery of the Florida panther. In April of this year, the Service completed an environmental assessment that recommended Federal and State land acquisition in this area. However, due to a moratorium on land acquisitions that was proposed as part of the Administration's deficit reduction effort, the Department did not request funds for the refuge in the current fiscal year budget request. Despite this, the panther refuge remains a very high priority.

After finalization of the environmental assessment and submission of the Service's budget request, informal agreement was reached among the Fish and Wildlife Service, the National Park Service, and the two landowners in the area for a revised acquisition proposal. This would result in the Fish and Wildlife Service acquiring approximately 32,000 acres and the landowners offering conservation easements on approximately 9,000 additional acres, as was discussed at a September 20, 1985, hearing on the legislation before the Subcommittee on Environmental Pollution. S. 893 reflects this revised acquisition proposal and, on that basis, we have no objection to its enactment.

The total estimated cost of acquiring the refuge as proposed by S. 893 is approximately \$16 million. The \$3.9 million appropriated in FY 1985 remains available for acquisition purposes. Requests for additional funds will be considered in the context of each year's budget priorities.

The Office of Management and Budget has advised that there is no objection to the presentation of this position from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

Paragraph 12 of rule XXVI of the Standing Rules of the Senate requires that changes in existing law made by the reported bill be included in legislative reports. This bill does not make any change in existing law.

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